

INHERITANCE PROCEEDINGS WITH FOCUS ON RESOLUTION OF SUCCESSION DISPUTES

Key Words: inheritance proceedings, succession disputes, resolution of succession disputes

Although the inheritance proceedings is a regular agenda of just one of all the legal professions in the Czech Republic - notaries - it is recommended to pay attention to it by other members of the legal community at least to the extent so that they have a general overview of it. This knowledge then might be found useful not only in a professional career but also in the private sphere. Attorneys must possess this knowledge considerably wider and deeper, because while representing their clients before a notary as a judicial commissioner may and actually do arise disputes over being an heir of a deceased individual, what an estate of the deceased individual include or not etc.

The aim of this thesis is, in particular, to expound to the wider professional public inheritance proceedings, to provide general overview of its regular process and possible difficulties that may appear, to point out potential succession or other related disputes, and to help members of the notary community with their day-to-day business and unified and clear resolution of succession disputes arose in inheritance proceedings.

The first part of this thesis is devoted to the historical development and theoretical background of the inheritance proceedings and tries to correspond with its chronology. There are described particular stages which ordinarily occur if there exists estate of the deceased individual. After finding of parties to the proceedings from which most of the information on the deceased individual assets are obtained, there is mentioned discontinuation of the proceedings, potentially problematic marriage property settlement, and protection of heirs and deceased individual's creditors. The end of this part contains escheat, liquidation of the estate property and additional following inheritance proceedings, all might content some succession or other related disputes.

The second part of this thesis is devoted exclusively to succession and other disputes, the overview of the categories of succession and other related disputes is

followed by ways of their resolution and/or settlement. First, law interpretation disputes that are easily resolved by notary himself or herself, second, disputes of facts whose resolution depends on their nature whether a notary may go on without regard on them, or just wait until deciding a civil court in civil proceedings, or a notary himself or herself has to resolve them during inheritance proceedings.

Aforesaid parts of this thesis, which include also possible interpretative and application solutions of problematic parts of the legislation, are followed by an obligatory effort to give constructive criticism with *de lege ferenda* proposals.